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Attorneys for Defendant
Heritage Building Group, Inc.

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

COLUMBIA GAS TRANSMISSION
CORPORATION,

Plaintiff,

vs.

AN EASEMENT TO CONSTRUCT,
OPERATE AND MAINTAIN A 24-INCH
GAS TRANSMISSION PIPELINE ACROSS
PROPERTIES IN CHESTER COUNTY,
PENNSYLVANIA, OWNED BY JAY PAR AND
PAR ANBIL, et al. and UNKNOWN PERSONS
AND INTERESTED PARTIES,

Defendants.

C.A. No. 02-CV-3733

ANSWER TO COMPLAINT
FOR CONDEMNATION
(Fed. R. Civ. P. 71A(e))

Defendant, Heritage Building Group, Inc. ("Heritage"), by and through its attorneys, Eastburn & Gray, P.C., Answers the Complaint for Condemnation of Columbia Gas Transmission Corporation ("Columbia"), in the above-captioned matter as follows:

I. Admissions and Denials

1. Heritage admits the allegations contained in Paragraphs 1, 4 and 5 of the Complaint.

2. Heritage lacks information and belief sufficient to admit or deny the allegations contained in Paragraphs 2, 3, 6, 8, 9, 11, 12, 13 and 14 of the Complaint, and on that basis denies the allegations contained in Paragraphs 2, 3, 8, 9, 11, 12, 13 and 14 of the Complaint.

3. Heritage admits in part, and denies in part, the allegation contained in Paragraph 10 of the Complaint. Heritage admits that it is a landowner affected by Columbia's proposed condemnation; however, Heritage has been misidentified in two (2) instances with respect to the above-captioned matter. First, Plaintiff's Notice of Condemnation misidentifies Heritage as "Heritage Financial Group, Inc." Second, the caption of Plaintiff's Complaint misidentifies Heritage as "Heritage Commercial Group, Inc." Neither of the misidentified entities, to the best of Heritage's knowledge, exists and Heritage's proper designation is "Heritage Building Group, Inc." Heritage also lacks information and belief sufficient to admit or deny the remainder of the allegation contained in Paragraph 10 of the Complaint, as it pertains to other landowners identified in Exhibit "B," and on that basis denies the remainder of the allegation contained in Paragraph 10.

4. Heritage denies the allegation in Paragraph 7 of the Complaint because Columbia has not satisfied the necessary prerequisites to its exercise of eminent domain, as set forth in section 7(h) of the Natural Gas Act, 15 U.S.C. § 717f(h).

II. Interest of Heritage in Property

5. Heritage is the equitable owner of the property commonly known as the northeast corner of PA Route 100 and Fellowship Road, situate in Upper Uwchian

Township, Chester County, Pennsylvania and also known as Chester County Tax Map Parcel No. 32-03-24 ("Property").

III. Objections and Defenses

6. Columbia has not satisfied the necessary prerequisites to its exercise of eminent domain, as set forth in section 7(h) of the Natural Gas Act, 15 U.S.C. § 717f(h), in that it has not sufficiently negotiated, with Heritage, the taking of a pipeline easement over the Property, either by contract or by agreement with Heritage as to the compensation to be paid for said pipeline easement.

7. Only one (1) meeting on March 1, 2002 between representatives of Heritage and Columbia had occurred, during which meeting Columbia rejected Heritage's proposal to place paving within Columbia's existing right-of-way on the Property. (A true and correct copy of a Letter dated March 19, 2002 from Mark D. Snider to Jason L. Lang, P.E., reflecting the topics discussed at the meeting on March 1, 2002, is attached hereto as Exhibit "A.")

8. Columbia has made no offer, either at or before that meeting or at anytime thereafter, to amicably acquire, without resort to eminent domain, the proposed pipeline easement over the Property as set forth in the Complaint.

9. Columbia's failure to sufficiently negotiate, with Heritage, the taking of a pipeline easement over the Property, either by contract or by agreement with Heritage as to the compensation to be paid for said pipeline easement, obviates the necessity of the present condemnation action pursuant to section 7(h) of the Natural Gas Act, 15 U.S.C. § 717f(h) and Fed. R. Civ. P. 71A.

IV. Prayer for Relief

WHEREFORE, Heritage Building Group, Inc., prays that:

1. Plaintiff, Columbia Gas Transmission Corporation's, right to condemn Heritage Building Group, Inc.'s above-referenced Property be denied;
2. The action be dismissed; and
3. Heritage have any and all other relief to which it may be justly entitled.

Respectfully submitted,

Eastburn & Gray, P.C.

By: _____

John A. VanLuvanee, Esq.
Attorney I.D. No. 15974
Attorneys for Defendant
Heritage Building Group, Inc.

Dated: _____